

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**November 15, 2012**

**Elisabeth A. Shumaker  
Clerk of Court**

ILANA REINHARDT,

Plaintiff - Appellant,

v.

TERRY HOPPS JEWELRY DESIGNS,  
Domestic business; TERRY LEE HOPPS,  
individually and OU Pharmacy Technician  
and THJD Designer or Owner in her  
business and official capacity;  
CLEVELAND COUNTY DISTRICT  
COURT, The State of Oklahoma, ex rel;  
JEQUITA H. NAPOLI, Special Judge in  
her individual and official capacity;  
CLEVELAND COUNTY SHERIFF'S  
DEPARTMENT, the State of Oklahoma,  
ex rel.; FRANK ANDREWS, Deputy  
Sheriff, in his individual and official  
capacity; WANDA PETERSON, Deputy  
Sheriff, in her individual and official  
capacity; THE UNIVERSITY OF  
OKLAHOMA, the State of Oklahoma, ex  
rel.; JANE DOE, public servant in their  
official and individual capacity,

Defendants - Appellees.

No. 12-6223  
(D.C. No. 5:11-CV-00979-W)

**ORDER**

Before **KELLY, O'BRIEN**, and **TYMKOVICH**, Circuit Judges.

Pro se Plaintiff Ilana Reinhardt appeals the district court's July 30, 2012 and  
August 9, 2012 orders dismissing some claims against some defendants. The plaintiff

sought entry of a partial final judgment pursuant to Federal Rule of Civil Procedure 54(b). The district court denied the plaintiff's motion. This court then entered an order to show cause as to why this appeal should not be dismissed for lack of appellate jurisdiction. The plaintiff filed a response, which included a motion to stay the appeal pending conclusion of the district court proceedings. After carefully considering the response and the applicable law, we now dismiss this appeal.

The plaintiff appealed three district court orders that granted some of the defendants' motions to dismiss. After entry of the district court's orders, some claims against some defendants remained. Neither a final order disposing of all claims against all parties nor a final judgment has been entered. The case actively continues in the district court against one remaining defendant.

This court generally has jurisdiction to review only final decisions. 28 U.S.C. § 1291. A final decision is one that fully terminates all matters as to all parties and causes of action and leaves nothing for the district court to do but execute the judgment. Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 712 (1996); Harolds Stores, Inc. v. Dillard Dep't Sotres, Inc., 82 F.3d 1533, 1541 (10th Cir. 1996). The district court's July 30, 2012 and August 9, 2012 orders are not final decisions. Further, the district court declined the plaintiff's invitation to enter a partial final judgment as to the orders being appealed. Without a final decision or entry of partial final judgment, this court lacks jurisdiction to consider the appeal at this time.

The plaintiff's response to the court's challenge to appellate jurisdiction is not persuasive. First, while the plaintiff speculates about other ways to establish jurisdiction, no additional action has been taken in the district court or otherwise to resolve the jurisdictional defect. Second, payment of the appellate filing fees when the notice of appeal is filed is required. Fed. R. App. P. 3(e); 10th Cir. R. 3.3(B). The plaintiff argued that her financial conditions made payment of the filing fees difficult. She further argued this appeal should remain open but idle until final judgment is entered, presumably to avoid paying the filing fees again should she wish to appeal from the judgment. As the district court explained in its order denying Rule 54(b) certification, however, the orders being appealed are interlocutory, intertwined in the factual predicate of the remainder of the case, and not final for appellate review.

In sum, interlocutory orders such as the ones at issue here are not immediately appealable. Arthur Anderson & Co. v. Finesilver, 546 F.2d 338, 342 (10th Cir. 1976) ("Every interlocutory order involves, to some degree, a potential loss or harm. That risk, however, must be balanced against the need for efficient federal judicial administration, the need for the appellate courts to be free from the harassment of fragmentary and piecemeal review of cases otherwise resulting from a succession of appeals from the various rulings which might arise during the course of litigation." (internal quotations omitted)).

APPEAL DISMISSED. The plaintiff's request to stay the appeal pending entry of final judgment by the district court is denied.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith  
Counsel to the Clerk